



## **Weekly Summary of Cases**

### **National Labor Relations Board**

Week of November 22-26, 2010, W-3288

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### **Summarized Board Decisions**

***Allied Mechanical*** (31-CA-26605-R; 356 NLRB No. 35) Ontario, CA, November 22, 2010.  
[\[HTML\]](#) [\[PDF\]](#) ***Tower Industries, Inc. d/b/a Allied Mechanical***

This case was before the Board on remand from the U.S. Court of Appeals for the Ninth Circuit, which held that the Board disregarded the administrative law judge's credibility and factual findings, and recharacterized the facts in its analysis of whether an employee's suspension and discharge were justified under the employer's disciplinary policy. Pursuant to the Ninth Circuit's decision, the Board found that the employer violated the Act in suspending and discharging that employee for his union activities and participation in a Board hearing. The Ninth Circuit issued its decision April 1, 2009.

Charge filed by United Steelworkers of America, AFL-CIO-CLC. Members Becker, Pearce, and Hayes, participated.

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***Rome Electrical Systems, Inc.*** (10-CA-35458; 356 NLRB No. 38) Rome, GA, November 24, 2010. [\[HTML\]](#) [\[PDF\]](#) ***Rome Electrical Systems, Inc. and Three River Electrical, Inc., d/b/a Three Rivers Electrical, Inc. and Robert D. Bollen***

The Board found the respondents jointly and severally liable for the remedial backpay and benefit fund payments ordered in the underlying case, 349 NLRB 745 (2007), and adopted the administrative law judge's decision to pierce the corporate veil with respect to an individual respondent. The Board found that the judge correctly admitted witnesses' deposition testimony into the record, and addressed the particularity requirements pertaining to exceptions.

Charge filed by International Brotherhood of Electrical Workers, Local 613. Administrative Law Judge George Carson II issued his supplemental decision April 13, 2010. Chairman Liebman and Members Becker and Hayes participated.

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***Déjà Vu Mechanicals, Inc.*** (4-CA-37040; 356 NLRB No. 37) Nazareth, PA, November 24, 2010. [[HTML](#)] [[PDF](#)]

In this case the Acting General Counsel sought a default judgment pursuant to the terms of an informal settlement agreement. The respondent failed to comply with the terms of the settlement agreement by failing to remit any of the five backpay installment payments of \$579 that were due to be received in the Regional Office on the first day of the month beginning on July 1, 2010. The Board found according to the provisions of the settlement agreement that all the allegations of the reissued complaint were true. (See *U-Bee, Ltd*, 315 NLRB 667 (1994).) The Board granted the Acting General Counsel's Motion for Default Judgment.

Charge filed by Road Sprinkler Fitters Local 669, U.A., AFL-CIO. Chairman Liebman and Members Becker and Hayes participated.

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***Laro Service System, Inc.*** (2-CA-39481; 356 NLRB No. 32) Bay Shore, NY, November 22, 2010. [[HTML](#)] [[PDF](#)]

In this case the Acting General Counsel sought a default judgment on the ground that the respondent failed to file an answer to the complaint. In the absence of good cause being shown for the failure to file an answer, the Board granted the Acting General Counsel's Motion for Default Judgment.

Charge filed by Local 32BJ, Service Employees International Union. Chairman Liebman and Members Becker and Hayes participated.

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## **Decisions in cases involving prior rulings by two-member Board**

The following cases involve prior rulings by the two-member Board, whose authority to act was rejected by the U.S. Supreme Court decision in *New Process Steel, LP* (June 17, 2010). The new decisions summarized here were reached by a three-member panel of the Board or by the full Board.

***San Luis Trucking, Inc.*** (28-CA-20387, et al.; 356 NLRB No. 36) San Luis, AZ, November 22, 2010. [[HTML](#)] [[PDF](#)]

The Board found that the employer, collectively Factor Sales (FS) and San Luis Trucking (SLT), violated the Act by: interrogating an employee; instituting new work rules, more strictly enforcing disciplinary and attendance rules, subcontracting the transportation business of SLT, and unilaterally closing SLT, all without bargaining with the union; failing and refusing to provide the union with requested information; more strictly enforcing work rules in response to union activities; subcontracting the transportation business of SLT because of union activities; constructively discharging employees because of their union activities; and closing SLT to influence Factor Sales employees' union activities. The Board ordered the employer, among other things, to reopen SLT and restore the business transferred from SLT on July 1, 2005.

Charges filed by United Food and Commercial Workers Union, Local 99. Administrative Law Judge Joseph Gontram issued his decision May 8, 2007. Chairman Liebman and Members Pearce and Hayes participated.

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## **Unpublished Board Decisions in Representation Cases**

***Blachly-Lane Electrical Cooperative*** (36-RC-6496) Eugene, OR, November 23, 2010. Order denying petitioner's request for review of the Regional Director's decision and order. Petitioner – International Brotherhood of Electrical Workers, Local 659. Chairman Liebman and Members Becker and Hayes participated.

***MI Pueblo Foods*** (32-RC-5794) Milpitas, CA, November 23, 2010. Order amending the Regional Director's decision to permit an employee to vote under challenge and denying the request for review in all other respects. Petitioner – International Brotherhood of Teamsters, Local 853, a/w Change to Win. Chairman Liebman and Members Becker and Hayes participated.

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## **Decisions of Administrative Law Judges**

***Merchants Building Maintenance LLC*** (28-CA-22660, 22882; JD(SF)-46-10) Santa Fe, NM. Charges filed by Individuals. Administrative Law Judge Lana Parke issued her decision November 23, 2010. [[HTML](#)] [[PDF](#)]

***UNITE-HERE! Local 11 (WHB Biltmore LLC d/b/a Millennium Biltmore Hotel)*** (21-CB-14893; JD(SF)-45-10) Los Angeles, CA. Charge filed by an Individual. Administrative Law Judge John J. McCarrick issued his decision November 23, 2010. [[HTML](#)] [[PDF](#)]

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